

ROT VAN NGUYEN,)	No. C 12-0616 LHK (PR)
)	
Petitioner,)	ORDER DENYING REQUEST FOR
)	APPOINTMENT OF COUNSEL
vs.)	
)	
GARY S. SANDOR, Warden,)	
)	
Respondent.)	
)	(Docket No. 16)

Petitioner has filed a request for appointment of counsel. However, the Sixth Amendment right to counsel does not apply in habeas corpus actions. *See Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). While 18 U.S.C. § 3006A(a)(2)(B) authorizes a district court to appoint counsel to represent a habeas petitioner if “the court determines that the interest of justice so require,” the courts have made appointment of counsel the exception rather than the rule. Appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986).

Order Denying Request for Appointment of Counsel
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1 require appointment of counsel. Accordingly, the Petitioner's request is DENIED. This denial is
2 without prejudice to the Court's *sua sponte* reconsideration should the developments of this case
3 dictate otherwise.

4 This order terminates docket no. 16.

5 IT IS SO ORDERED.

6 DATED: 10/9/12


LUCY H. KOH
United States District Judge